

Docket # 12

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY CAMDEN
VICINAGE

TRUSTEES OF THE UNITED FOOD AND
COMMERCIAL WORKERS UNION AND
PARTICIPATING FOOD INDUSTRY
EMPLOYERS TRI-STATE HEALTH AND
WELFARE FUND, ET AL.,

Plaintiffs,

v.

OAK HRC STATESMAN, LLC a/k/a
STATESMAN HEALTH AND
REHABILITATION CENTER,

Defendant.

Civ. No. 19-13590 (RMB/KMW)

ORDER

This matter comes before the Court upon Plaintiff's Motion for Default Judgment [Dkt. No. 12].

"[B]efore granting a default judgment, the Court must determine (1) whether there is sufficient proof of service, (2) whether a sufficient cause of action was stated, and (3) whether default judgment is proper." Gerber v. A&L Plastics Corp., 2020 U.S. Dist. LEXIS 13406, at *2 (D.N.J. Jan. 23, 2020) (quoting Teamsters Health & Welfare Fund of Phila. & Vicinity v. Dublin Paper Co., No. 11-7137, 2012 U.S. Dist. LEXIS 102652, 2012 WL 3018062, at *2 (D.N.J. July 24, 2012)). Whether default judgment is proper depends on (1) whether a plaintiff will be prejudiced if default is not granted, (2) whether a

defendant has a meritorious defense, and (3) whether the defendant's delay is the result of culpable misconduct. Verizon Empl. Benefits Comm. v. Baldino, 2020 U.S. Dist. LEXIS 104185, at *7 (D.N.J. Jan. 15, 2020) (quoting Chamberlain v. Giampapa, 210 F.3d 154, 164 (3d Cir. 2000)).

Plaintiffs state in their Notice of Motion that "[n]o brief is necessary as the issues herein are straightforward." As set forth above, the Court must consider several factors before entering a default judgment. Indeed, Chamberlain stands for the proposition that a plaintiff is not entitled to default judgment as a matter of course, or as a matter of right, merely upon a defendant's failure to answer or otherwise defend a suit. Accordingly, the Court will not consider Plaintiff's motion absent an analysis of the Chamberlain factors.

THEREFORE, IT IS on this 6th day of July, 2020,

hereby:

ORDERED that Plaintiff's Motion for Default Judgment is **DENIED WITHOUT PREJUDICE** to Plaintiff's right to file a renewed Motion for Default Judgment accompanied by a brief that discusses and applies the Chamberlain factors.

A handwritten signature in black ink, appearing to read "Renée Marie Bumb", written over a horizontal line.

RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE